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**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

<p>FUSION MULTISYSTEMS, INC. d/b/a/ FUSION-IO,</p>	<p>STIPULATION OF DISMISSAL WITH PREJUDICE</p>
<p>Plaintiff,</p>	
<p>vs.</p>	
<p>DONALD G. BASILE,</p>	<p>Case No. 2:09-CV-00426</p>
<p>Defendants.</p>	<p>Judge Stewart</p>

Pursuant to Federal Rule of Civil Procedure 41(a)(1), Plaintiff Fusion Multisystems, Inc d/b/a Fusion-io ("Fusion") and Defendant Donald G. Basile (collectively the "Parties") hereby stipulate to the voluntary dismissal of the above-captioned action with prejudice, with each party to bear its own costs and attorneys fees.

The Parties further stipulate that:

- (1) The Interim Stipulated Order, entered by the Court on May 18, 2009 (Dkt. No. 9) and further continued from time to time (Dkt. No. 93), as well as any injunction pertaining thereto, should be dissolved, void, and no longer of any force and effect; and
- (2) The hard drive and any images thereof lodged with the Court shall be delivered to Ray Quinney & Nebeker which will deliver the hard drive to Gibson, Dunn & Crutcher LLP (attention to Ashlie Beringer, Esq.) for destruction.

In furtherance of the foregoing, the Parties stipulate that the Court may enter an order in the form attached hereto.

DATED this 18th day of May, 2010.

PARSONS BEHLE & LATIMER

/s/ David M. Bennion

David M. Bennion

Attorneys for Plaintiff

PARR BROWN GEE & LOVELESS

/s/ D. Craig Parry

D. Craig Parry

(signed by filing attorney with permission of Defendant's Attorney)

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of May, 2010, I electronically filed the foregoing **STIPULATION OF DISMISSAL WITH PREJUDICE** with the Clerk of the Court using the CM/ECF e-filing system, which sent notice to all CM/ECF registrants.

/s/ David M. Bennion